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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/789,393 | 02/27/2004 | Shuji Yamashita | 15115/106001 | 4915 |
| 22511 7590 02/06/2007 OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010 | | | EXAMINER LABBEES, EDNY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 02/06/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/789,393

Applicant(s)

YAMASHITA ET AL.

Examiner

Edny Labbees

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status Of Claims

1. Applicant's remarks filed 11/08/2006 have been fully read and are considered. In addition applicant filed a Request for Continued Examination (RCE) on 1/4/2007 for the claims, which were filed on 11/08/2006 to be prosecuted. No new claims were added. Therefore, claims 1, 3 and 4 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (US 2002/0020025823).

Regarding Claim 1, Hara disclosed *Radio System* that has the following claimed limitations:

Claimed mobile unit carried by a driver is met by portable device (10) (See Fig. 1B, abstract); claimed vehicle unit mounted on a vehicle is met by stationary device (20) mounted on the motor vehicle (1) (See paras [0056]); claimed vehicle unit comprising a plurality of transmission antennas is met by a plurality of stationary-device side

antennae located at different positions respectively (See paras [0015]); claimed mobile unit sequentially receives signals transmitted from at least one of the transmission antennas to measure the reception intensities is met by the portable device (10) finding signals respectively containing different antenna identification codes that concurrently or sequentially emitted from either of antennae (24 & 25) and where the portable device (10) has a reception intensity measuring means (see paras [0059 0062 0072 007]).

Hara does not specifically **state** that the mobile unit transmits the information on those reception intensities all at once. Hara discloses that the portable device sends second signals representative of the reception intensity data of the first signals received from the antennas (24 & 25) of the stationary device back to the stationary device. Hara does not specifically disclose whether the signals were sent sequentially or concurrently from the portable device. However, Hara do disclose that signals from the antennas (24 & 25) of the stationary device (20) can be emitted sequentially or concurrently (see paras [0072]). As long as the system disclosed by the Hara performs its desired functionality of the having the stationary device determining the current position of the portable device using reception intensity data, one ordinary skilled artisan would readily recognize that, via routine experimentation, that the signals from the portable device (10) can also be emitted sequentially or concurrently. Furthermore, claimed vehicle unit executing, an arbitrary processing action according to the location of the mobile unit is met by the stationary device (20) executing a control process for realizing a predetermined operation of an object to be controlled (see paras [0031]).

Regarding Claim 3, claimed arbitrary processing action is an operation to locking of a door is met by the system of Hara where the controlled object includes a lock device for locking and unlocking the vehicle door and/or other devices (see paras [0032]). In addition, the locking/unlocking of the door is performed when the portable device (10) approaches either the driver seat side ($P_{\{D\}}$) or the assistant driver's seat side ($P_{\{A\}}$) (see Fig. 2 and paras [0074]).

Regarding Claim 4, claimed signals other than that transmitted at first are only used for the measurement of the reception intensities of said mobile unit is met by the portable device finding answer signal representative of the reception signal to the stationary device (20). The signals transmitted at first are the wave-up signal and not the ones used to measure the reception intensities (see Fig. 1B).

Response to Arguments

4. In the remarks filed 11/08/2006, applicant presents the following arguments:

1) With regards to claim 1, applicant argues that Hara sends the second signals sequentially, and not all at once as required by the claim. Applicant also argues that the system of Hara suffers a longer transmitting time as compared to the claimed invention.

5. RESPONSE

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2) In response to arguments regarding claim 1, While it's true Hara does not specifically state sending the second signals all at once, as required by the claim, Hara also does not specifically disclose sending the signals sequentially. Hara do disclose that the signals from the antennas (24 & 25) of the stationary device (20) can be emitted sequentially or concurrently to the portable device (See paras [0072] and the rejection above). One of ordinary skill in the art would readily recognize that as long Hara performs its desired functionality of the having the stationary device determining the current position of the portable device using reception intensity data, the signals from the portable device (10) can also be emitted sequentially or concurrently. In addition, applicant does not disclose a limitation corresponding to longer transmitting time. Therefore, the arguments are not persuasive and the rejection to claim 1 stands.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juzswik, *System And Method For Automatic Function...* (US 6,801,134)

Stippler, *AntiTheft Device For A Motor Vehicle And Method...* (US 6,218,932)

Zintler, *Locking Device For A Motor Vehicle Having A Number...*(US 6,563,416)

Chandebois, *Method And Device For Automatically Locking...* (US 6,853,296)

Amano, *Keyless Entry System*, (US 5,835,022)

Okada, *Vehicle Automatic Door-Locking System Using...* (US 6,476,517)

Kumano, *Keyless Entry System For Vehicle* (US 6,621,406)

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Rohri, *Access Control Device For A Motor Vehicle And Method...* (US 6,556,125)

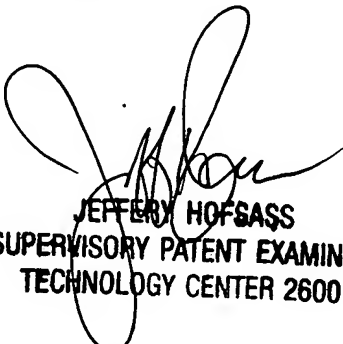
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
1/27/2007


JEFFERY HOFSASS
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